

<b>USDC SDNY</b> <b>DOCUMENT</b> <b>ELECTRONICALLY FILED</b> <b>DOC #:</b> _____ <b>DATE FILED:</b> <u>12/4/07</u> <u>10</u>
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DAVID FERNANDEZ,	:	07 Civ. 3495 (SHS)
	:	
Plaintiff,	:	
	:	
-against-	:	<u>ORDER</u>
	:	
THE CITY OF NEW YORK, <i>ET AL.</i> ,	:	
	:	
Defendants.	:	

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SIDNEY H. STEIN, U.S. District Judge.

The City of New York has moved for reconsideration of the Court's memorandum endorsement dated November 28, 2007, extending the time for plaintiff to file an amended complaint naming police officers Isaura Mirabal and Edward Bradley as defendants until November 30, 2007.

IT IS HEREBY ORDERED that the motion for reconsideration is denied in part and granted in part.

Plaintiff was given the names of the two police officers by the City of New York on July 16, 2007. By Order dated November 8, plaintiff was given until November 14 to serve and file an amended complaint naming those two police officers as defendants.

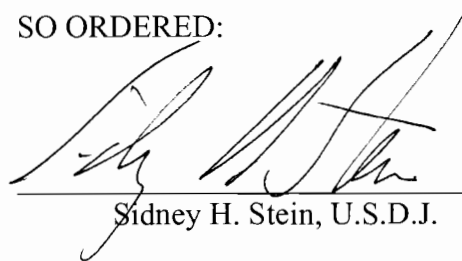
By letter dated November 26, plaintiff represented to the Court that he had served those police officers on November 12, but the amended complaint "was not filed with the Court due to office error." By memo endorsement dated November 28 the Court extended plaintiff's time to file the amended complaint until November 30.

Defendant City of New York now seeks reconsideration of that Order on the grounds that the amended complaint was never properly served. That in fact may be true; all the Court did on November 28 was extend plaintiff's time to file the amended complaint with the Court until November 30. The issue of whether the purported service on November 12 of the amended complaint upon the police officers was proper or not is not before the Court at this time. In any event, there will be no further extensions of plaintiff's time to serve or file the amended complaint.

In order for the parties to have time to attempt to settle this under the aegis of Magistrate Judge Freeman, the close of discovery is extended from January 11, 2008 until February 22, 2008, and the pretrial conference before this Court remains at January 18, 2008 at 10:30 a.m.

Dated: New York, New York  
December 4, 2007

SO ORDERED:

  
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Sidney H. Stein, U.S.D.J.